

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TERRANCE WM. DAVIS, JR.,	)	
	)	
Plaintiff,	)	Civil Action No. 17-983
	)	
v.	)	Judge Cathy Bissoon
	)	
MAJOR CRAMER, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER DISMISSING CASE**

Plaintiff initiated this action by filing a Motion for Leave to Proceed *In Forma Pauperis* on July 27, 2017 (Doc. 1), to which he attached his Complaint (Doc. 1-1) as well as other motions and supporting documents. On August 29, 2017, the Magistrate Judge granted Plaintiff's Motion to Proceed *In Forma Pauperis* and ordered the Clerk of Court to file Plaintiff's Complaint (Doc. 2). The next day, on August 30, 2017, she issued an Order directing Plaintiff to file an amended complaint (Doc. 9) and providing instructions on how to bring his Complaint into compliance with the Federal Rules of Civil Procedure. The Order provided Plaintiff fourteen (14) days within which to file an amended complaint, along with notice that "[i]f Plaintiff fails to comply with this Order then the undersigned will recommend that this action be dismissed for his failure to prosecute." On September 14, 2017, the day following the expiration of the fourteen-day period to amend, the Magistrate Judge issued a text Order (Doc. 11) noting, among other things, that Plaintiff's amended complaint "was due on 9/13/17 and has not been received."

Plaintiff took no action in response to these Orders, and appears to have taken no action whatsoever to prosecute this case subsequent to July 27, 2017, the date he initiated suit.

On October 4, 2017, the Magistrate Judge issued an Order (Doc. 12) for Plaintiff to show cause why this case should not be dismissed for Plaintiff's failure to comply with the Court's Order on August 30, 2017, which directed Plaintiff to amend his Complaint and file it within fourteen days. The October 4, 2017 Order further stated: "Plaintiff has not filed an amended complaint and the time to do so has long expired. Therefore, by October 18, 2017, Plaintiff shall either file his amended complaint or file a response to this Order indicating why he believes this case should not be dismissed for his failure to comply with the Court's Order. Failure to do either will result in the dismissal of this action for Plaintiff's failure to prosecute." As of November 2, 2017, Plaintiff has filed no response.

In light of the foregoing, dismissal is warranted under Poulis v. State Farm Fire & Cas. Co., 747 F.2d 863 (3d Cir. 1984). Specifically, the Court relies on the Poulis factors regarding Plaintiff's personal responsibility; history of dilatoriness/unresponsiveness; failure to demonstrate excusable neglect; and the lack of effective, alternative sanctions. Id. at 868. Simply put, Plaintiff's repeated failure to respond to Court orders, and seeming disinterest in prosecuting this case, leave no meaningful alternative to a dismissal.

For all of these reasons, this case is DISMISSED WITH PREJUDICE.

IT IS SO ORDERED.

November 2, 2017

s/Cathy Bissoon  
Cathy Bissoon  
United States District Judge

cc (via First-Class U.S. mail):

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